

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

Civ. No. 88-0385 KG/CG  
Consolidated with  
Civ. No. 88-0786 KG/CG

SIDONIE SQUIER, Secretary of  
the New Mexico Human Services  
Department,

Defendant.

ORDER

This matter comes before the Court upon Defendant's Motion for Extension of Time to Respond to Plaintiffs' Motion to Enforce Compliance with the Decree to Ensure that New Mexicans Who are Eligible for Health Care Coverage and Food Assistance Receive the Support to Which They are Entitled (Motion for Extension of Time), filed on March 31, 2014. (Doc. 483). *See also* Plaintiffs' Motion to Enforce Compliance with the Decree to Ensure that New Mexicans Who are Eligible for Health Care Coverage and Food Assistance Receive the Support to Which They are Entitled (Doc. 479) (Motion to Enforce Compliance), filed March 7, 2014. Defendant seeks leave to file her response to the Motion to Enforce Compliance on April 4, 2014. In fact, Defendant filed her response on April 4, 2014. *See* (Doc. 487).

Plaintiffs oppose the Motion for Extension of Time noting that Defendant did not adhere to an agreed extension of time to respond by March 28, 2014, and that on March 31, 2014, Defendant unsuccessfully sought a second agreement to extend the time to respond until April 4, 2014. *See* (Doc. 484). Under D.N.M. LR-Cv 7.4(a), Defendant should have sought the second

agreement to extend time prior to the agreed deadline of March 28, 2014. *See* Local Rule 7.4(a) (“If an extension of time is opposed, the party seeking the extension must file a separate motion within the applicable fourteen (14) day period.”). Moreover, Defendant did not file a notice reflecting the agreed extension of time, which Local Rule 7.4(a) requires. Defendant notes, on the other hand, that only one attorney presently represents the New Mexico Human Services Department and that to prepare the response, Defendant had to collect and review eight individuals’ files. In addition, Defendant had to respond to another motion to enforce compliance also filed on March 7, 2014. *See* (Doc. 478).

Although Defendant failed to comply with D.N.M. LR-Cv 7.4(a), considering Defendant’s circumstances, the Court’s preference of deciding a motion upon full briefing of the issues, and the additional short extension of time requested by Defendant, the Court finds that it is in the best interests of justice to grant the Motion for Extension of Time.

IT IS ORDERED that:

1. Defendant’s Motion for Extension of Time to Respond to Plaintiffs’ Motion to Enforce Compliance with the Decree to Ensure that New Mexicans Who are Eligible for Hearth Care Coverage and Food Assistance Receive the Support to Which They are Entitled (Doc. 483) is granted; and

2. Defendant’s Response in Opposition to Motion for Extension of Time to Respond to Plaintiffs’ Motion to Enforce Compliance with the Decree to Ensure that New Mexicans Who are Eligible for Hearth Care Coverage and Food Assistance Receive the Support to Which They are Entitled (Doc. 487) is deemed timely filed.

  
UNITED STATES DISTRICT JUDGE